

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BASLER TURBO CONVERSIONS LLC,

Plaintiff,

v.

Case No. 08-C-732

HCC INSURANCE COMPANY,

Defendant.

ORDER

The parties in the above matter have entered into a stipulation granting the Plaintiff leave to file a second amended complaint. While normally, a stipulation of this nature is granted as a matter of course, I note that the proposed complaint, like the original complaint, fails to properly set forth the jurisdiction of the Plaintiff. The Plaintiff, Basler Turbo Conversion, LLC, is described in both complaints as “a Wisconsin limited liability corporation doing business at the address listed in the above caption, which is in Winnebago County, Wisconsin.” LLC, however, is the designation for a limited liability company, not a corporation. Under Seventh Circuit law, LLC’s are citizens of every state of which any member is a citizen. *Belleville Catering Co. v. Champaign Market Place, LLC*, 350 F.3d 691, 692 (7th Cir. 2003). Thus, if Basler Turbo Conversion is truly an LLC, it is not a corporation and its state of citizenship would be the states of citizenship of the members. So as to properly assert its subject-matter jurisdiction, the complaint should indicate as much. Since subject-matter jurisdiction is not waived, the Court has an independent duty to assure it exists in all cases before it.

Accordingly, leave to file the amended complaint is denied. The denial, however, is without prejudice. The Plaintiff may file a second amended complaint without further order of the Court if it properly sets forth subject-matter jurisdiction.

SO ORDERED this 8th day of October, 2008.

s/ William C. Griesbach
William C. Griesbach
United States District Judge